

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, January 12, 2021**

The regular meeting of the Common Council of the City of Marshall was held January 12, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Don Edblom, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Director; Sheila Dubs, Human Resource Manager and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

**Consider approval of the minutes of the regular meeting held on December 22, 2020.**

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski that the minutes of the regular meeting held on December 22, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**500 Elizabeth St. – 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.**

On December 22, 2020 a public hearing was called for and to be held on January 12, 2021 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 500 Elizabeth St. with an estimated market value of \$285,400 with the difference of improvement being \$252,600.00

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer To approve Resolution 21-001 a resolution approving home property tax abatement Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Approval of the Consent Agenda**

Item 6, Consider Resolution designating the Official Depositories for City Funds for 2021 and item 15, City Hall/Hotel Change Order.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approval of Resolution Number 21-002, a resolution allowing for the modified numbering of all Resolutions and Ordinances.

Approval of Resolution Number 21-004, a resolution delegating authority to the city to make electronic fund transfers

Approval of Resolution Number 21-005, a resolution to authorize the Finance Director to pay certain claims

Approval of Resolution Number 21-006, a resolution designating the Official Newspaper.

Approval of the Wastewater Treatment Facilities Improvement Project – Consider Application for Payment No. 18 to Magney Construction, Inc.

Approval to declare vehicles as surplus property for the Marshall Police Department.

Approval to surplus two (2) 2017 Ford Explorers.

Approval of the MERIT Center/State of Minnesota Amendment of Lease No. 4

Approval of the LG220 Application for Exempt Permit for the Marshall Golf Club, Inc.

Approval of the sale of alcoholic beverages at the Red Baron Arena in coordination with the Fairbanks Ice Dogs Hockey games.

Approval of the bills/project payments.

**Consider Resolution designating the Official Depositories for City Funds for 2021.**

State Statutes requires that the City designates general depositories for the City monies. The resolution designates Bremer Bank, N.A. as the official general depository for 2021.

Councilmember Lozinski pulled the agenda item to ask a clarifying question regarding the city's depositories.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer The adoption of Resolution Number 21-003, a resolution appointing the Official Depositories for City Funds for 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**City Hall/Hotel Change Order**

Change Order 10 related to fire system and plumbing, Change Order 11 related SE wall from demolition of former hotel. City Hall Committee recommended that Change Order 10 and 11 be submitted to City Council approval.

Councilmember Labat pulled the item to provide an overview of the change order.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve change order 10 and 11. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Resolution Approving the changes to the 2021 Amended Fee Schedule.**

The resolution includes the proposed changes/updates to the 2021 Fee Schedule. The Ways & Means Committee reviewed the changes to the Fee Schedule at their meeting on January 8, 2021. Staff and Ways & Means Committee are recommending Council approval of the changes/updates to the 2021 Amended Fee Schedule.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution Number 21-007, a resolution approving specific fees to be charged by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider approval of an extension of COVID-19 Temporary Employee Leave Policies**

In 2020, the federal government passed the Families First Coronavirus Response Act (FFCRA) in response to the COVID-19 pandemic, which required all public employers and employers with fewer than 500 employees to provide access to emergency paid sick leave and emergency public health leave. On April 14, 2020, the Council approved the Temporary COVID-19 Employee Leave Policies in compliance with the Act. The policies were retroactive to April 1, 2020, and in accordance with the Act, these policies expired on 12/31/2020.

On December 27, 2020, the federal government passed a COVID relief bill, however, this bill does not extend the mandate that employers provide emergency paid sick leave and emergency public health leave past 12/31/2020. Rather, the relief bill allows employers to voluntarily continue to provide the benefit under the same provisions of the FFCRA into 2021.

Because the passage of the relief bill occurred after the last Council meeting of 2020, the Council was not afforded the opportunity to determine the status of the policy going into 2021. On December 28, 2020, under the local peacetime emergency authority, the Mayor signed a resolution providing for an emergency extension of the City's COVID Temporary Employee Leave Policies thru January 12, 2021---the date of the first regular City Council meeting in January. This affords the City Council the opportunity to determine whether these policies will continue or expire. If the Council decides to discontinue the leave benefits, the policies will expire January 12, 2021. If the Council desires to continue these policies in 2021, staff recommend expiring the policies on June 30, 2021. Alternatively, the Council could establish another date to expire the policies on.

If the Council chooses to continue to voluntarily provide the leave benefits, staff recommend the approval be an extension of the policies---this would provide for the "continuation" of leave benefits in accordance with the provisions of the Act, not a "reset" of leave benefits for employees. In the relief bill, Congress provided that employers could voluntarily continue the benefit under the same provisions of the FFCRA into 2021. For example, an employee who utilized the 80 hours of emergency paid sick leave in 2020 would not be eligible for additional hours if this extension were approved by the Council.

These policies were originally developed by Congress to protect families' financial security and to mitigate the spread of the virus. Though Congress did not approve a mandatory employer extension, the voluntary extension of the policy by the Council would continue to serve these purposes. Other reasons to consider extension of the policy include employees who are needed to care for younger children who are in distance or hybrid learning schedules, or when child-care becomes unavailable due to the pandemic. In order to protect the health of our employees and customers, the City has been proactive in working with employees who

experience or are otherwise impacted by this illness in permitting telework were possible, allowing the use of the employee's sick leave accruals to care for dependents whose place of daycare or school has closed or is in a hybrid learning model, etc.

If the Council decides to expire the policies today (01/12/2021), full-time employees will be required to utilize available leave accruals for absences due to COVID-19. Part-time and temporary employees are not eligible for leave benefits, and therefore, would have unpaid time for absences due to the virus. Staff recommend that full-time employees be permitted to continue to utilize their available sick leave accruals in the event of a school or daycare closings until June 30, 2021, or other date as directed.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council approves an extension of the Temporary COVID-19 Employee Leave Policies until March 23, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Project Z82: N. 1<sup>st</sup> St. / W. Redwood St. / W. Marshall St. Reconstruction Project - Consider Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.**

This project consists of the following: reconstruction and utility replacement on North 1 st Street between East Main Street to West Marshall Street and includes West Redwood and West Marshall Streets between East College Drive and North 1st Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on North 1st Street and West Redwood Street. Sanitary sewer will be replaced on West Marshall Street. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, concrete surfacing, sidewalks, curb and gutter and other minor work. The plans and specifications have been prepared by City staff for the above-referenced project. If the City Council decides to proceed with this project, a resolution has been prepared approving the plans and specifications and ordering advertisement for bids.

The engineer's estimate for the construction portion of the project is approximately \$1,166,000. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is approximately \$1,420,000. All improvements will be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council adopt Resolution Number 21-008, a "Resolution Approving Plans and Specifications and Ordering Advertisement for Bids" for Project Z82: N. 1st St. / W. Redwood St. / W. Marshall St. Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

**Public Works Division Electronic Bidding Policy.**

The Engineering Department would like to begin utilizing electronic bidding for our City capital improvement projects in 2021. RtVision, the software provider for our engineering project management program, has a program called BidVAULT that works seamlessly with their other programs for electronically accepting sealed bids. Currently, we utilize a website to post our engineering project plans and specifications and issue project notices and addendums. Our contractor can access this information for free, and print proposal sheets to be

completed by hand, placed in a sealed envelope, and hand delivered to our City Clerk prior to bid opening. The process works fine, but there is a lot of opportunity for math error and it does take a lot of resources and time to submit a proposal.

With the BidVAULT system, a contractor will still utilize the same website for free access to our plans and specifications. If they choose to submit a sealed bid on the project, the contractor would request a 'key' through the program to receive access to the electronic bid form. They may enter project unit prices and save their work to complete at a later date if they choose. Once they are ready, they may submit their proposal to the City. The BidVAULT program will restrict our access until after the bid opening time and date. At that point, city staff may enter a code to gain access to the proposals and we would read our bids at a public bid opening.

City staff is proposing a \$25 user fee (plus processing fees) to utilize the electronic sealed bid service. This fee would be charged and administered entirely by RtVision to cover the costs of the program. The alternative is for the City to cover the cost of the program, and the cost is variable based on the number of project pay items. A typical city street project would cost \$250. City staff believes that the \$25 user fee (plus processing fees) is a low price for our contractors to pay in order to submit a bid. The convenience and reduced opportunity for error are very nice features of this program.

At the Public Improvement/Transportation Committee meeting on January 8, 2021, LABAT MADE A MOTION to recommend approval to the City Council of the Public Works Electronic Bidding Policy, including the \$25 user fee (plus processing fees) for the right to submit a sealed bid under the new Electronic Bidding Policy as presented, SECONDED BY LOZINSKI. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

At the Ways Committee meeting on January 8, 2021, MOTION BY Bayerkohler, SECONDED BY Labat to approve the Proposed Electronic Bidding Policy to be moved onto the full Council for approval. ALL VOTED IN FAVOR. Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council approve the Electronic Bidding Policy as Chapter 4–Section 3 (3-101) to the Administrative Policy, including the \$25 user fee (plus processing fees) to utilize the electronic sealed bid service. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

#### **Sidewalk Replacement Cost Participation Policy.**

In 2012, the City began participating in private sidewalk replacement costs under the current policy. Most recently, the program has been funded with \$10,000 of yearly allocation through the Street Department budget. Under the current policy, the City participates with the replacement cost of private sidewalk work with a 50/50 cost match up to \$500 of City contribution. The only stipulation is that the work must be ADA-compliant, a Sidewalk Permit must be acquired at a cost of \$50, and the sidewalk must be parallel to a city street and serve the general public. The program is well used as most concrete installers make their clients aware of the program.

City staff would like to amend the current policy to increase the City's participatory amount to \$750 and adjust the City's level of cost participation to be simpler and easier to justify our cost involvement. The current policy reimburses in a 50/50 manner, regardless of unit price of the work being completed. Staff would propose that the City participate by paying \$2.50 per square foot of sidewalk being replaced. For example, if a property owner replaces 50-FT of 5-ft wide sidewalk, the City would participate by paying \$625 toward this work.

By participating in this manner, we eliminate the opportunity to over-participate for higher priced work and we avoid having to argue with a property owner about what the cost of the work should be. Other policy amendments put a limit on how much one beneficiary of the policy may seek in one calendar year to help ensure that funds are available for all who hope to utilize the program. The cost participation is included as a line item in the Street Department budget. Utilization of these funds in excess of the budgeted amount will require potential budget adjustment as necessary.

At the Public Improvement/Transportation Committee meeting on January 8, 2021, LOZINSKI MADE A MOTION to recommend approval to the City Council of the Sidewalk Replacement Cost Participation Policy providing \$2.50/SF City participation with proposed caps as presented, SECONDED BY LABAT. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council approve the Sidewalk Replacement Cost Participation Policy as Chapter 4 – Section 4 (4-401) to the Administrative Policy. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

#### **Update to City Streets Functional Classification Map.**

City Engineering staff has reviewed the city streets functional classification map and staff has identified some changes that should be made to the map. The purpose of the map is to best reflect the actual usage of the roadway network. There are limited impacts to these changes. Internally, we may have different restrictions and/or requirements based on classifications. For example, a collector may have more restriction on driveway access and may be a heavier road section with more width than a local road. Externally, many federal grants require the route to be a collector or higher or otherwise have regional significance.

To classify these routes, MnDOT requires that we follow Federal Highway Administration (FHWA) guidance on functional classification. Summarizing FHWA guidance, each route type can be defined as follows:

Arterial: These routes provide a high level of mobility. Arterials are typically longer routing with more limited access to help reduce delay.

Collector: These routes strike a balance between mobility and access. Collectors distribute and channelize trips between local roads and arterials roads. Local: These routes provide a high level of accessibility. These routes provide direct access to adjacent land and do not carry through traffic movements.

For further information, below is a table that summarizes are current functional classification map versus our proposed functional classification map by mileage and road classification. FHWA has target percentages for each classification type that should be met.

To update our functional classification map, we must submit to our Regional Development Commission (RDC), the Southwest Regional Development Commission (SWRDC) for review and approval. Upon agreement and approval, the functional classification map is sent to MnDOT District 8 for review and approval from the District 8 State Aid Engineer and the District 8 Transportation Planner. If approved by all of these levels, the map will be updated through MnDOT and will become official.

At the Public Improvement/Transportation Committee meeting on January 8, 2021, LABAT MADE A MOTION to recommend approval to the City Council of the updates to the City Streets Functional Classification Map to the City Council as presented, SECONDED BY LOZINSKI. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the City Council approve the updates to the City Streets Functional Classification Map to the City Council as presented. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Passed. 7-0**

**Consider the Introduction of an Ordinance amending Chapter 2, Article 6, Division 6; Human Rights Commission.**

Beginning this fall, staff, council members and community members have been regularly meeting to begin work on establishing a City commission to address diversity, equity and inclusion within the city of Marshall. The Diversity, Equity, and Inclusion (DEI) Commission, although in its infancy, has established its vision and mission statements, guiding principles and has begun working on its first set of actions steps as well as proposed this amendment to the city code to official become a City Commission.

The groundwork for the DEI commission is key and crucial. The Commission is dedicated to learning, creating innovative ideas, and adapting to the ever-changing environment. The DEI Commission is taking purposeful action to advance this commitment through the guiding principles of equity, inclusion, collaboration, and transparency.

Motion made by Councilmember DeCramer, Seconded by Councilmember Meister To introduce the proposed ordinance amendment and call for its adoption at the next regular council meeting on January 26, 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.**

Mayor Byrnes offered the following appointment to the Planning Commission.

James Muchlinski to a term set to expire 5/31/23

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the appointment to the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

**Consider Council Appointments to Various City Committees, Boards, Commissions, and Authorities.**

After input from the City Council and in consideration of the balance of responsibilities, meeting, work and outside conflicts, Mayor Byrnes has nominated the following Councilmembers to various City Committees, Boards, Commissions, and Authorities.

**Equipment Review Committee**

Don Edblom  
Craig Schafer  
James Lozinski

**Legislative & Ordinance Committee**

Steven Meister  
John DeCramer  
Jim Lozinski

**Personnel Committee**

Steven Meister  
Craig Schafer  
John DeCramer

**Liaisons Positions**

- Adult Community Center Commission – Russ Labat
- Airport Commission – Craig Schafer
- Community Services Advisory Board – Steven Meister
- Convention & Visitors Bureau – Russ Labat
- Economic Development Authority – Steven Meister & John DeCramer
- Joint Law Enforcement Center Management Committee – James Lozinski/Craig Schafer
- Library Board – Russ Labat

**Public Improvement/ Transportation**

Craig Schafer  
Russ Labat  
James Lozinski

**Ways & Means Committee**

John DeCramer  
Russ Labat  
Don Edblom

- Marshall Area Transit Committee – Russ Labat
- Marshall Municipal Utilities Commission – John DeCramer
- M.E.R.I.T. Center Commission – Craig Schafer
- Planning Commission – Don Edblom
- Police Advisory Board – Jim Lozinski
- Public Housing Commission – Don Edblom
- Southwest Minnesota Amateur Sports Commission – Craig Schafer
- Diversity, Equity, and Inclusion Commission – John DeCramer

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the council appointments to various city committees, boards, commissions, and authorities. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**



### **Commission/Board Liaison Reports**

Byrnes No Report

Schafer No Report

Meister No Report

Edblom No Report

DeCramer Economic Development Authority met to review and approve the resiliency grants.

Labat Library Board met and elected new officers. The geothermal pump will also need to be replaced in the near future.

Lozinski City Hall Committee met and discussed the item on the council agenda. The project is on schedule to be completed toward the end of April or the first part of May.

### **Councilmember Individual Items**

Councilmember Schafer brought forward the press release from CJ expansion in Sioux Falls, SD. Member Schafer commented on CJ's commitment to Marshall and transitioned to Marshall's need for housing. There was further discussion by the Council on economic development throughout Marshall and Lyon County.

Councilmember Meister commented on the rollout of the COVID-19 vaccine and the misinformation surrounding it.

Councilmember DeCramer commented on the great success from Light Up the Night at Independence Park.

Mayor Byrnes mentioned several items to address in 2021;

- The replacement of trails in and surrounding Independence Park
- 150 Anniversary of the City of Marshall and establishing a planning group.
- Comprehensive Plan update and establishing a commission to oversee the update.
- Emerald Ash borer planning
- Marshall Aquatic Center replacement
- Economic Growth
- Future Annexation
- Block 11 Development
- Reestablish a Leadership Academy
- Focus on including and retention of families in the community
- Safe Housing and Safe Rental

### **City Administrator**

City Administrator Sharon Hanson commented that Block 11 progress has paused due to COVID and the requirement of an anchor tenant before development. Other developer has been directed to seek out filling the Shopko building.

Administrator Hanson commented on discussions with the CEO of Schwan's Home Service and their long-term commitment to the Schwan's Headquarter in Marshall.

The Southwest Regional Development Commission launched a development task force to help build and grow development throughout the Southwest MN Region.

**Director of Public Works**

Director of Public Works/ City Engineer Jason Anderson commented that there has been interest in the Comprehensive Plan as well as new information being uploaded to the website.

**City Attorney**

City Attorney Dennis Simpson provided an update on Unique Opportunities Development has completed the second phase of the project and will begin to start the third and final phase of the project.

**Information Only**

There were no questions on the information items.

**Upcoming Meetings**

There were no questions on the upcoming meetings.

**Adjourn**

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

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Mayor

Attest:

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City Clerk